

CIVIL DEFENSE AND DISASTER RELIEF*

Art. I. In General, §§ 8-1—8-22

Art. II. Shelters, §§ 8-23—8-40

Art. III. City Organization and Procedures During Emergencies, §§ 8-41—8-50

ARTICLE I. IN GENERAL

Secs. 8-1—8-22. Reserved.

ARTICLE II. SHELTERS

Sec. 8-23. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Civil defense shelter. The term "civil defense shelter" shall mean any structure which is designed to be used primarily for the purpose of providing protection to the occupants thereof from the effects of blasts, fire, heat and radiological fallout resulting from a disaster.

Disaster. The term "disaster" shall mean actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity.

Structure. The term "structure" shall mean anything constructed or erected, the use of which requires location on or in the ground or attachment to something having location on the ground.

Zoning ordinance. The term "zoning ordinance" shall have reference to Ordinance No. 360 of the City of Belmont, as said ordinance is amended, and all other ordinances hereafter enacted pertaining to zoning in the city. (Code 1961, § 7A.1)

Editor's note—The zoning ordinance referred to above is not set out in this volume, but copies are available and may be consulted in the city hall.

Sec. 8-24. Compliance required.

It shall be unlawful for any person to construct, occupy, use, maintain, inhabit,

alter, enlarge or move any civil defense shelter within the city without first complying with the provisions of this article. Any civil defense shelter within the city constructed, occupied, used, maintained, inhabited, altered, enlarged, or moved, contrary to the provisions of this article shall be unlawful and a public nuisance subject to abatement, removal and enjoinder in the manner provided by law. (Code 1961, § 7A.2)

Sec. 8-25. Compliance with other ordinances.

All civil defense shelters shall fully comply with all requirements of the zoning ordinance, the building code and all other applicable ordinances of the city except as hereinafter specifically provided in this article. (Code 1961, § 7A.3)

Cross reference—Building regulations generally, Ch. 7.

Sec. 8-26. Building permit required.

No civil defense shelter shall be constructed or erected within the city without a valid building permit having been issued by the building official. (Code 1961, § 7A.4)

Sec. 8-27. Minimum standards.

The following provisions are hereby established as the minimum standards of all civil defense shelters to be constructed within the city:

- (a) A shelter shall satisfy all requirements of an accessory building and shall be subject to the restrictions pertaining to an accessory building under the zoning ordinance (with the exception of the requirement that an accessory building be at least ten (10) feet from any

*State law reference—Emergency services act, Gov. Code, § 8550 et seq.

dwelling under section 6.4(d) of the zoning ordinance) and shall comply with all yard requirements except that such requirements and restrictions may be waived by the building official if the following conditions are met:

- (1) The complete structure is to be a minimum of two and one-half (2½) feet below the natural slope of the yard, except for entrance and vents.
 - (2) All vents and openings are to be fully screened from the street and adjacent properties by ornamental landscaping so that they are not visible from the street or adjacent properties.
 - (3) The existing grade will not be changed more than six (6) inches in the construction thereof.
 - (4) The structure will not be constructed on or interfere with any easement or any improvement in, on or above any easement on the property.
 - (5) The structure is to be so located, marked, and blocked so that vehicles cannot pass over it unless constructed with walls, and roof of sufficient strength to support the additional weight in accordance with the requirements of the building code and the building inspector.
 - (6) The structure shall be designed by a registered civil engineer or architect certifying that the structure will support all loads to be placed upon it.
- (b) All doors shall be openable from the inside without the use of a key, tool or special knowledge or effort.
 - (c) No light source depleting the oxygen content of air in the shelter may be used.
 - (d) The design of the shelter shall meet and satisfy all requirements now or hereafter established by the department of defense of the United States and such other requirements as may be required by the building official of the

city for the protection of the health, safety and welfare of the persons using same and the public. (Code 1961, § 7A.5)

Sec. 8-28. Use other than in disasters.

A civil defense shelter shall not be occupied, lived in or used for any purpose except in the case of a disaster as defined in this chapter unless such shelter satisfies all of the requirements of and is an otherwise legal accessory building under the zoning ordinance of the city (including the requirement under section 6.4(d) of the zoning ordinance that the accessory building be at least ten (10) feet from the dwelling) or unless a variance is obtained from the planning commission of the city under the provisions of the zoning ordinance of the city with respect thereto. (Code 1961, § 7A.6)

Secs. 8-29—8-40. Reserved.

ARTICLE III. CITY ORGANIZATION AND PROCEDURES DURING EMERGENCIES

Sec. 8-41. Purposes.

The declared purposes of this article are to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons. (Ord. No. 558, § 1, 3-10-75)

Sec. 8-42. Definition.

As used in this article, "emergency" shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment,